

6/11/03 #17

***Detailed Action***

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Mayfield on June 11, 2003.

The applicant has agreed to cancel the non-elected claims 95-100.

The application has been amended as follows:

Claim 10, line 2, delete "mole" (both occurrence).

Claim 10, line 3, delete "mole".

Claim 16, line 3, replace "thrombomodulin" (first occurrence) with -- or --.

Claim 16, line 4, after "thrombomodulin" (first occurrence), insert -- or --.

Claim 35, line 3, delete "mole".

Claim 35, line 4, delete "mole".

Claim 83, line 2, "further comprising heparin..", delete the last extra "." period.

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: the prior art neither teaches nor suggests a reagent for an assay to determine a hemostatic potential of a blood or plasma sample comprising a coagulation activator wherein the coagulation activator is present at a concentration level to trigger thrombin formation fibrin polymerization but not sufficient to result in a complete fibrin polymerization of said blood or plasma sample wherein said reagent may be utilized to assess a hypocoaguable, normal, and hypercoaguable condition in a single assay. The closest prior art is Spillert et al. (USP 6245573) where the reference only teach a reagent for assessing coagulant activity, i.e. hypocoagulation or hypercoagulation in the patient. Spillert et al. can be distinguished from the instant invention because the instant invention recites a reagent capable of assessing all hypocoagulation, normal and hypercoagulation in a single assay.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Cheu whose telephone number is 703-306-4086. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 703-305-3399. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3399.

Art Unit: 1641

Jacob Cheu

Examiner

Art Unit 1641

*Jacob Cheu*

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June 16, 2003

*Long V. Le*

LONG V. LE  
SUPERVISORY PATENT EXAMINER  
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*06/16/03*